

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

GEORGE C. SWINYER, JR.,

Plaintiff,

v.

MICHAEL COLE, *et al.*,,

Defendants.

Case No. C04-5348RBL

ORDER DENYING MOTION
FOR RECONSIDERATION

The Court, having reviewed Plaintiff's request for reconsideration, (Dkt. #37), the pleadings filed in support and in opposition thereto, and the balance of the record, does hereby find and ORDER:

(1) Local Rule CR 7 states:

Motions for reconsideration are disfavored. The court will ordinarily deny such motions in the absence of a showing of manifest error in the prior ruling or a showing of new facts or legal authority which could not have been brought to its attention earlier with reasonable diligence.

Plaintiff has not submitted any new facts or legal authority which could not have been brought to the court's attention earlier, nor has he shown any manifest error in the court's prior ruling.

At issue is plaintiff's motion to compel discovery (Dkt. #. 34), which was denied based on plaintiff's failure to show the court he had made reasonable efforts to consult with the other party or counsel prior to filing the motion to compel. In his motion for reconsideration, plaintiff states he has made contact with defense attorney, Dennis Hunter, with regard to the discovery matter.

This evidence should have been presented earlier and plaintiff does not explain why it was not. In

1 addition, this evidence is more properly presented in a new motion for discovery, which must be filed and
2 served on defendant and any opposing party, not in a motion for reconsideration. Accordingly, plaintiff's
3 motion for reconsideration is **DENIED**. If the information sought by plaintiff has been properly
4 requested, per an appropriate discovery request, and plaintiff has complied with Rule 37(a), and plaintiff
5 has not received an appropriate response, plaintiff may wish to file a new motion to compel.

6 DATED this 14th day of January, 2005.

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8 /s/ J. Kelley Arnold

9 J. Kelley Arnold

10 United States Magistrate Judge
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